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TO RUEHC/SECSTATE WASHDC PRIORITY 6996  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE  
RUEHGG/UN SECURITY COUNCIL COLLECTIVE  
RUEHBY/AMEMBASSY CANBERRA 0805  
RUEHNE/AMEMBASSY NEW DELHI 4351  
RUEHUL/AMEMBASSY SEOUL 7896  
RUEHKO/AMEMBASSY TOKYO 5457  
RHHMUNA/CDR USPACOM HONOLULU HI  
RUEHGV/USMISSION GENEVA 3445  
RHEHNSC/NSC WASHDC  
RUCNDT/USMISSION USUN NEW YORK 1245  
RUEKJCS/SECDEF WASHDC  
RUEHBS/USEU BRUSSELS  
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L RANGOON 000017

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STATE FOR EAP AND IO; PACOM FOR FPA

E.O. 12958: DECL: 04/20/2017

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [BM](#)

SUBJECT: BURMA: GUILT BY ASSOCIATION

REF: 07 RANGOON 780

Classified By: Pol Officer Sean O'Neill for Reasons 1.4 (b) & (d)

11. (C) Summary. The regime may charge detained activist Htin Kyaw with sedition in addition to the other, less serious charges pending against him. His lawyers and family have not been able to see him since he ended his hunger strike on December 30. Authorities arrested NLD member and labor activist Htet Wei at the trial of another detained activist on January 9. He was later released on bail and is at home. End Summary.

12. (C) Htin Kyaw's attorney Aung Thein told us the prosecutor has asked the Ministry of Home Affairs for permission to charge Htin Kyaw with sedition under Section 124A of the criminal code. Conviction under this section of law carries a potential sentence of life in prison. Until now, Htin Kyaw has faced the much less serious charge of inciting public disturbance, which carried a maximum sentence of two years. Aung Thein was informally told the next hearing would take place on January 23 at a special court in Insein prison. However, the lawyer pointed out that authorities have never officially informed him of any developments in his client's case and so far have not permitted him to attend the trial. Similarly, Htin Kyaw's wife and family have not been permitted to visit him since late December and have not seen him since he ended his month-long hunger strike on December 30.

13. (C) Witnesses reported that on January 9, police arrested NLD member and labor activist Htet Wei while he attended his friend's trial in a downtown Rangoon courthouse. Observers told ILO officials that police immediately took Htet Wei into custody when they saw the defendant, detained protestor U Ohn Than, pass him a piece of paper after the hearing. Htet Wei's friends and supporters confirmed that at the time of his arrest, he was holding a memory card containing information on forced labor that he planned to pass to the International Labor Organization (ILO). ILO Liaison Officer Steve Marshall described Htet Wei as a good and reliable source of information on forced labor and told poloff the activist had worked extensively with the ILO in the past. NLD spokesman Nyan Win reported that Htet Wei was held for one day at a local police station before being released

yesterday on 1,000,000 kyat bail (approximately USD 780). Neither the NLD nor ILO knew who paid the bail, which is a huge sum by Burmese standards.

14. (C) U Ohn Than, the friend whose trial Htet Wei was attending, was arrested on August 23 for staging a solo pro-democracy protest in front of the US Embassy (reftel). His family members told us he has been arrested at least 6 times in the past and has spent a total of approximately 18 years in prison for various pro-democracy activities.

15. (C) Comment. The Than Shwe regime has always practiced guilt by association, but actually arresting someone at his friends' trial is a new low. There is no due process in Burma, and no independent judiciary to check the power of the executive. Peaceful dissenters are being sentenced to long prison terms after secret trials with no defense counsel present. Than Shwe is trying to silence the opposition to him. Burma does not have the prisons to do that. End Comment.  
VILLAROSA